

FAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Estevan CHAVEZ-Quintero,

Defendant

Magistrate Clerk

By: P

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326

Deported Alien Found in the
United States

FILED

DEC 10

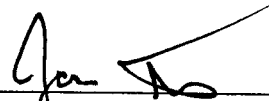
AM 10:07

MJ 2850

The undersigned complainant, being duly sworn, states:

On or about **December 7, 2007** within the Southern District of California, defendant, **Estevan CHAVEZ-Quintero**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10th DAY OF DECEMBER, 2007



Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Estevan CHAVEZ-Quintero****PROBABLE CAUSE STATEMENT**

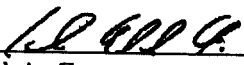
I declare under the penalty of perjury that the following statement is true and correct:

On Friday, December 07, 2007, at 3:30 AM, Border Patrol Agent C. Cooper, responded to a seismic sensor activation in the "33 Draw" area. This landmark is located approximately two miles west of the San Ysidro, California Port of Entry and is about three hundred yards north of the United States/Mexico international border fence. The inside scope operator, Border Patrol Agent N. Lopez, informed Agent Cooper that three subjects were making their way north, down the draw. When Agent Cooper arrived, one of the subjects ran back south to Mexico. The remaining two attempted to hide in the heavy brush. After a brief search, Agent Cooper located both subjects, identified himself as a United States Border Patrol Agent, and asked the subjects to state their country of citizenship. Both claimed to be citizens of Mexico. Agent Cooper asked them if they had any documents allowing them to enter or remain in the United States. Both subjects, including one later identified as the defendant, Estevan CHAVEZ-Quintero stated that they did not. Agent Cooper arrested both subjects and had them transported to the Imperial Beach Border Patrol Station for processing.


Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on January 4, 2007 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights, which he stated he understood and was willing to answer questions without having an attorney present. The defendant admitted to being a citizen and national of Mexico and was in the United States illegally and not in possession of any immigration documents allowing him to enter or remain in the United States legally. The defendant stated that he was traveling to California.

Executed on December 8, 2007 at 9:30 A.M.


Ismael A. Canto
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on December 7, 2007 in violation of Title 8, United States Code, Section 1326.


Barbara L. Major
United States Magistrate Judge

12/8/07 at 9:58am
Date/Time